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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,050	12/19/2001	Nobuhiko Ogura	Q67318	9794

7590 10/01/2004

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EXAMINER	
RILEY, JEZIA	

ART UNIT	PAPER NUMBER
1637	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,050	OGURA, NOBUHIKO	
	Examiner	Art Unit	
	Jezia Riley	1637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 76 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 76 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/918,500.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rushbrooke et al. (US4,922,092) in view of Heffelfinger et al. (6,043,506) in further view of Tazaki et al. (EP1037071) .

Rushbrooke et al. discloses a method for producing biochemical analysis data comprising steps for multiple luminescent assay measurement comprising means for receiving and supporting a tray containing a plurality arranged reaction wells, so that light emitted from wells is received by discreet regions of the faceplate of the image intensifier. (col. 7, figures 4, 4A, 5, and 6). Figure 4 shows a complete detector system

comprising a support table. Rushbrooke provides high sensitivity optical imaging apparatus comprising an image intensifier adapted to be optically coupled to a sample holder to receive on distinct regions of its input faceplate photon emission emanating from differing sites on the sample holder carrying one or more samples, photoelectric detecting means coupled to the output of the image intensifier to produce electric output signals dependent on the photon emission received at the respective distinct regions of the faceplate, and signal processing means for relating the respective output signals to the originating sites of photon emission by the sample or samples carried by the sample holder. The reference shows (a) an image quantifier by which a sample can be viewed by an image intensifier and a microscope, (b) a photon detector for measuring light emission from a plurality of discrete reaction sites, and (c) apparatus for measuring a number of columns of line sources of radiation, as in gel electrophoresis. However Rushbrooke et al. does not show stimulable phosphor sheet. Rushbrooke teaches that "An improvement can be obtained by silvering or otherwise rendering reflective the inside walls of the cells 132 and 134. Although the term "silvering" has been employed, it is to be understood that this is not limited to the type of material used to produce the reflective surface and an aluminium coating or foil may be employed to produce the reflective surface, as may other materials. " col. 10.

Heffelfinger et al. teach detection of variety of biological molecules labeled with fluorescent dyes, radioisotopes, or enzyme activated light emitting or fluorescent chemicals. Radioactive and chemiluminescent signals are typically captured using storage phosphor screens (see col.1).

Tazaki et al. teach that stimulable phosphor sheet gives a reproduced radiation image of high quality. (page 5 and figures).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide stimulable phosphor layer regions as the light releasable regions in the method of Rushbrooke in order to measure radioactive or chemiluminescent labels with increased sensitivity since Rushbrooke states "An improvement can be obtained by silvering or otherwise rendering reflective the inside walls of the cells 132 and 134." And Tazaki states that "Moreover the stimulable phosphor sheet gives a reproduced radiation image of increase high quality"(page3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jezia Riley whose telephone number is 571-272-0786. The examiner can normally be reached on 9:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 571-272-0782. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thursday, September 30, 2004

JEZIA RILEY
PRIMARY EXAMINER